

Pette,
Plaintiff

Adv. Proc. No. 17-01068-MW

Sanders,
Defendant**CERTIFICATE OF NOTICE**

District/off: 0973-8

User: admin
Form ID: pdf031Page 1 of 1
Total Noticed: 2

Date Rcvd: Oct 18, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Oct 20, 2019.

pla +Larnita Pette, 2588 El Camino Real Ste F-195, Carlsbad, CA 92008-1211
dft +Ralph E Sanders, 1251 W Bishop, Santa Ana, CA 92703-4548Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

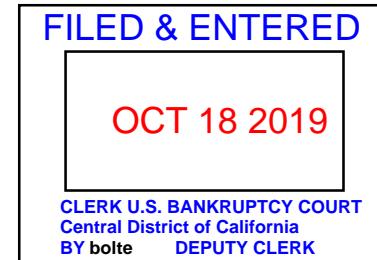
Date: Oct 20, 2019

Signature: /s/Joseph Speetjens**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on October 18, 2019 at the address(es) listed below:

Gregory L Bosse on behalf of Defendant Ralph E Sanders greg@lawbosse.com, lynn@lawbosse.com
United States Trustee (SA) ustpregion16.sa.ecf@usdoj.gov
Weneta M Kosmala (TR) ecf.alert+Kosmala@titlexi.com,
wkosmala@txitrustee.com;dmf@txitrustee.com;kgeorge@kosmalalaw.com

TOTAL: 3



UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
SANTA ANA DIVISION

In re:

Ralph E Sanders

Debtor(s).

CHAPTER 7

Case No.: 8:17-bk-10265-MW
Adv No: 8:17-ap-01068-MW

**ORDER ON DEBTOR-DEFENDANT'S FRCP
54(b) MOTION FOR ENTRY OF JUDGMENT
ON FALSE OATH CLAIM**

Larnita Pette

Plaintiff(s),

v.

Ralph E Sanders

Defendant(s).

Debtor-defendant Ralph Sanders ("Debtor") moves pursuant to Federal Rule of Bankruptcy Procedure 7054 and Federal Rule of Civil Procedure 54(b) (the "Motion") for entry of final judgment on less than all the claims in *Pette v. Sanders* (*In re Sanders*), Adversary Proceeding No. 8:17-ap-01068-MW in the main bankruptcy case of *In re*

1 Sanders, Case No. 8:17-bk-10265-MW (the “1068 Action”).

2 The 1068 Action is comprised of a denial of discharge cause of action under 11
3 U.S.C. § 727 and an exception to discharge cause of action under 11 U.S.C. § 523.
4 With respect to the latter, plaintiff Larnita Pette (“Plaintiff”) had sued Debtor in state
5 court alleging defamation and other causes of action. These actions were pending in
6 state court when Debtor filed his voluntary chapter 7 petition.

7 This Court determined that considerations of judicial economy and expeditious
8 resolution of litigation militated in favor of going forward with the section 727 cause of
9 action and temporarily staying the section 523 cause of action. The Court reasoned
10 that if were to try the section 727 cause of action and determine that Debtor should be
11 denied a discharge, the section 523 cause of action would not need to be tried. On the
12 other hand, if the section 727 cause of action were to be decided in Debtor’s favor, then
13 the section 523 cause of action could proceed.

14 Federal Rule of Civil Procedure 54(b), applicable in this matter pursuant to
15 Federal Rule of Bankruptcy Procedure 7054(a), permits a court to enter judgment on
16 fewer than all the claims in a case only if “the court determines there is no just reason
17 for delay.” Partial judgment under Rule 54(b) is proper where there are distinct and
18 severable claims and immediate appellate review of the portions ruled upon will not
19 result in later duplicative proceedings in the trial or appellate court. *Wood v. GCC Bend,*
20 *LLC*, 422 F.3d 873, 878-79 (9th Cir. 2005).

21 Debtor seeks appellate review of this Court’s order deciding the section 727
22 claim in Plaintiff’s favor. The section 727 claim would appear to the Court to be distinct
23 and severable from the section 523 claim for the reasons stated above. Were the Court
24 to grant the Motion and render judgment on the section 727 claim, immediate appellate
25 review of this determination would not appear to result in subsequent duplicative
26 proceedings.

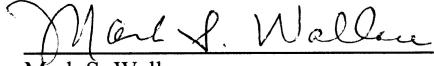
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1 For these reasons, the Court grants the Motion and directs Debtor to lodge a
2 form of judgment consistent with this Order within ten (10) days of the Order's entry.

3 IT IS SO ORDERED.

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Date: October 18, 2019


24 Mark S. Wallace
25 Mark S. Wallace
United States Bankruptcy Judge